GOVERNMENT OF INDIA
OVERSEAS INDIAN AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4180
ANSWERED ON:23.04.2008
MIGRATION OF WORKERS TO FOREIGN COUNTRIES
Mandal Shri Sanat Kumar

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

(a) whether cases of illegal migration and trafficking of workers from the country during the recent years have come to the notice of the Government;

(b) if so, the details thereof during the last two years; and

(c) the steps being taken by Government to check such illegal migration and trafficking?

Answer

MINISTER OF OVERSEAS INDIAN AFFAIRS(SHRI VAYALAR RAVI)

(a) to (c): Under the Emigration Act, 1983, the offices of Protectors of Emigrants (POEs), under the administrative control of this Ministry grant emigration clearance to Indian emigrant workers in the emigration check required (ECR) category proceeding for employment in 17 ECR Countries.

However, cases of workers going abroad on visit/transit visas and taking up employment in that country have come to the notice of this Ministry and Indian Missions from time to time. The gulf countries from time to time declare amnesty for illegal emigrants either to regularise their stay or leave the country without penalty.

As per reports received from the Indian Missions in gulf countries, they do not get the figures of exact number of illegal Indian emigrant workers from local authorities.
To check illegal migration and trafficking of workers the following steps are taken:

(i) On receipt of complaints against registered recruiting agents action is taken by the Ministry of Overseas Indian Affairs under the provision of Emigration Act, 1983, leading to suspension and cancellation of their registration certificate / license in serious cases.

(ii) In respect of unregistered recruiting agents, the complaints are referred to concerned State Governments/Police Authorities/ Protectors of Emigrants for investigation and action for violation of Section 10 of Emigration Act 1983 and other provisions of the law as appropriate.

(iii) In respect of complaint against the foreign employer(FE), FE is placed in the Prior Approval Category (Black list) and as a consequence is not allowed to recruit workers from India.

(iv) In case the stay of the Indian emigrant worker is declared illegal on account of various reasons, the Indian Missions take up the matter with the local authorities for either regularising their stay or their safe deportation back to India.

(v) In case deportation is required, this Ministry coordinates with the local Government through Indian Missions, the state government authorities, Ministries of Home Affairs and External Affairs for ensuring their safe passage back to India.

(vi) Further in order to ensure the protection and welfare of Indian workers by the host countries, Government of India has entered into bilateral labour MoUs with UAE in December 2006, and with Kuwait in April 2007. An additional protocol with Qatar was signed in November 2007 to update the 1985 Agreement with that country. MOU with Malaysia has been finalised. Such MoUs with Bahrain, Oman and Yemen are underway. These MoUs and Agreements provide for a broad framework for cooperation in Labour and Employment and also provide for Joint Working Groups of senior officers from both sides as an effective grievance redressal mechanism for better protection and welfare of Overseas Indian workers.

(vii) Wide publicity campaigns both, in electronic and print media, have been taken up by this Ministry for educating the workers on the emigration procedures.